



03500.014299

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
KEISUKE YAMAMOTO ET AL. )  
Application No.: 09/513,129 )  
Filed: February 25, 2000 )  
For: ELECTRON-EMITTING DEVICE, )  
ELECTRON SOURCE USING )  
THE SAME, AND IMAGE )  
FORMING APPARATUS USING )  
THE SAME )

Examiner: T. Vo

Group Art Unit: 2821

May 21, 2002

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OFFICE OF THE SPECIAL  
PROGRAMS EXAMINER

Commissioner for Patents  
Washington, D.C. 20231

REQUEST FOR WITHDRAWAL OF  
ERRONEOUSLY ISSUED NOTICE OF ABANDONMENT

Sir:

A Notice of Allowance was mailed by the Patent and Trademark Office in this application on November 28, 2002, setting the date for paying the Issue Fee as February 28, 2001. However, rather than paying the Issue Fee, Applicants filed a Request For Continued Examination (RCE) in this application on January 10, 2002, as evidenced by the attached copy of the return postcard bearing the Patent and Trademark Office official stamp of receipt. A Preliminary Amendment was filed with the RCE on that date. The stamped postcard is *prima facie* evidence that the RCE and Preliminary Amendment were timely filed in the Patent and Trademark Office on January 10, 2002 prior to the due date.

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RCE/2821

for paying the Issue Fee. For the Examiner's convenience, one copy each of the RCE and Preliminary Amendment is enclosed.

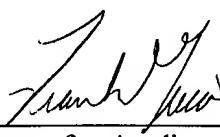
On May 6, 2002, an erroneous Notice of Abandonment (copy enclosed) was mailed by the Patent and Trademark Office, indicating that Application No. 09/513,129 has been abandoned in view of Applicants' failure to timely pay the Issue Fee.

In view of the procedure under 37 C.F.R. § 1.114(a)(1), Applicants respectfully request that the Notice of Abandonment be withdrawn, and the above-identified application be returned to pending status. Applicants also respectfully request that the Examiner enter the Preliminary Amendment filed on January 10, 2002.

It is believed that no fee is required for action on this Request. However, if a fee is required, please charge Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicants  
Registration No. 42,476

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
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Commissioner for Patents  
Washington, D.C. 20231

Date 1 / 10, 02  
Mo. Day Yr.

Atty. Docket 63500-014299

09/513, 129

Sir:

Kindly acknowledge receipt of the accompanying:

- Specifications, claims and abstract \_\_\_\_\_ pages, with Transmittal Form
- Patent Application Bibliographic Data Sheet \_\_\_\_\_ sheets
- Executed Oath or Declaration and Power of Attorney
- \_\_\_\_\_ Sheets of \_\_\_\_\_ formal \_\_\_\_\_ informal drawings
- Check for \$ 504.00 (filing fee)
- Request for Continued Examination and Check for \$ 74
- Assignment, PTO-1595 and Check for \$ \_\_\_\_\_
- Transmittal Under 37 CFR 1.53(d) (CPA)
- Petition under 37 CFR 1.136 and check for \$ \_\_\_\_\_
- Other (specify) Preliminary Amendment and Transmittal

by placing your receiving date stamp hereon and mailing or returning to deliverer.

This is a  Continuation  Divisional  Continuation-In-Part 37 CFR 1.8

Atty. FAD/mw Due Date 2 / 28, 02 Mo. Day Yr. 37 CFR 1.10   
By Hand

